

## Message Text

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ACTION EUR-08

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-----231929 015857 /46

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FM AMEMBASSY BRUSSELS  
TO SECSTATE WASHDC PRIORITY 9128

UNCLAS BRUSSELS 01711

LIMDIS

PASS URGENTLY TO VERNON ACREE,U.S.COMMISSIONER OF CUSTOMS

E.O. 11652:N/A  
TAGS:AORG,CCC-3  
SUBJECT: CCC: APPOINTMENT OF TECHNICAL OFFICER JOSEPH G.ELBERT

1.CUSTOMS COOPERATION COUNCIL SECRETARY GENERAL ANNEZ DE TABOADA HAS ASKED US TO TRANSMIT THE FOLLOWING LETTER TO YOU.THE CCC ASKS THAT YOU GIVE IT YOUR IMMEDIATE ATTENTION, IN VIEW OF THE FACT THAT MR ELBERT IS SCHEDULED TO ARRIVE IN BRUSSELS MARCH 1.

2.BEGIN TEXT: DEAR MR. ACREE,I AM IN RECEIPT OF YOUR FEBRUARY 17TH 1977 LETTER CONCERNING THE APPOINTMENT OF MR.JOSEPH G.ELBERT TO THE HARMINIZED SYSTEM TECHNICAL TEAM.I WAS FRANKLY A LITTLE SURPRISED BY YOUR RESPONSE THAT SUGGESTED THAT MR ELBERT SHOULD BE EMPLOYED BY THE COUNCIL AS IF WE KNEW NOTHING OF HIS HEALTH CONDITION. THE REASON FOR REQUIRING A MEDICAL CERTIFICATE PRIOR TO EMPLOYMENT IS TO MINIMIZE THE RISK TO THE COUNCIL THAT AN EMPLOYEE WILL NOT BECOME A FINANCIAL BURDEN BECAUSE OF HEALTH REASONS. OUR NORMAL PROCEDURE,IN A SITUATION SUCH AS MR.ELBERT'S WOULD BE TO REJECT THE NOMINATION AND SUGGEST THAT THE CUSTOMS ADMINISTRATION INVOLVED NOMINATE ANOTHER OFFICER.AS I SET FORTH IN MY FEBRUARY 8 TH LETTER,  
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MR.O'LOUGHLIN DESCRIBED SOME OF THE DIFFICULTIES THIS WOULD ENTAIL IN THE UNITED STATES AND ASKED THAT THE SECRETARIAT'S ADMINISTRATION COMMITTEE RECONSIDER THE DECISION NOT TO APPOINT MR. ELBERT.BASED UPON THIS DISCUSSION,ANDTHE ASSURANCES GIVEN BY MR O)LOUGHLIN, IT WAS AGREED THAT A SPECIAL EXCEPTION COULD BE MADE. I REFER TO THIS AS A SPECIAL EXCEPTION SINCE THE LETTER

FROM DR. BOWEN DESCRIBING MR ELBERT'S CONDITION CLEARLY STATES " I SUGGESTED THAT HE CONTINUE TO LEAD A NORMAL LIFE, APART FROM ACKNOWLEDGING CERTAIN PHYSICAL LIMITATION, AND STRESS THE IMPORTANCE OF CONTINUING THE MEDICAL PROGRAM AS PRESCRIBED." THIS MEDICAL PROGRAM, AS OUTLINED IN THE LETTER, INCLUDES TAKING MEDICATION FOUR OR FIVE TIMES DAILY. ALSO, IN THE OFFICIAL MEDICAL REPORT REQUIRED BY THE COUNCIL, DR. CRIMM, UNDER THE HEADING OF GENERAL OPINION AS TO FITNESS FOR SERVICE STATES: " ARTERIAL SCLEROSIS HEART DISEASE- ANGINA - PRESCRIPTION NITRO ". EVEN THOUGH YOU STATED IN YOUR LETTER THAT YOU PERCEIVE NO EVIDENCE IN THE MEDICAL REPORT WHICH WOULD SUPPORT THE ADMINISTRATIVE COMMITTEE'S EXPECTATION THAT MR ELBERT WILL BE UNABLE TO COMPLETE HIS CONTRACT, YOU MUST ADMIT THAT THE PERCEIVED RISK IS MUCH GREATER IN MR ELBERT'S CASE THAN IT WOULD BE IN THE CASE OF AN OFFICER WHO RECEIVED A CLEAN BILL OF HEALTH. IN FACT WE ARE STILL AWAITING WORD WHETHER OR NOT HE WILL BE INSURABLE UNDER THE SECRETARIAT'S GROUP LIFE AND HEALTH POLICIES. I CANNOT AGREE " THAT THE APPREHENSION EXPRESSED TOWARDS MR ELBERT'S MEDICAL HISTORY IS UNFOUNDED" INASMUCH AS HE HAS AN UNDENIABLE PHYSICAL IMPAIRMENT. I CERTAINLY DO NOT WISH TO CONTRIBUTE TO ANY PERSONAL HARDSHIP OR EXPENSE ON THE PART OF MR. ELBERT AND FOR THIS REASON I WOULD HOPE THAT WE COULD ACHIEVE A SATISFACTORY AGREEMENT IN THIS MATTER. WE ARE PREPARED TO ACCORD MR ELBERT THE SAME CONTRACT REQUIREMENTS OFFERED OTHER MEMBERS OF THE SECRETARIAT IF WE COULD RECEIVE MORE DEFINITIVE ASSURANCES FROM THE UNITED STATES SUCH AS YOU MENTIONED IN PARAGRAPH 3 IN YOUR FEBRUARY 17TH LETTER.

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TO BE SPECIFIC, I FEEL I HAVE AN OBLIGATION TO THE MEMBER COUNTRIES TO ASSURE THAT THE COUNCIL WILL NOT BE FINANCIALLY BURDENED BY THE EMPLOYMENT OF MR. ELBERT. I WOULD FEEL COMFORTABLE IN FULFILLING THAT OBLIGATION IF THE UNITED STATES WOULD AGREE THAT, IN THE EVENT MR ELBERT IS UNABLE TO FULFILL HIS CONTRACT, THE UNITED STATES WILL PROVIDE A SUITABLE REPLACEMENT TO COMPLETE THAT WORK PROGRAM AT NO ADDITIONAL COST TO THE COUNCIL. THE U.S. WOULD COVER SALARY FOR WHATEVER PERIOD THE COUNCIL REMAINS CONCURRENTLY RESPONSIBLE FOR MR ELBERT'S EMOLUMENTS, AND ANY TRAVELLING AND REMOVAL EXPENSES OF THE REPLACEMENT. WHILE THESE CONDITIONS WILL NOT BE PART OF MR ELBERT'S CONTRACT, I DO FEEL THAT WE MUST HAVE THIS EXCHANGE OF LETTERS WHICH WILL BE KEPT IN HIS FILE, SO THAT THERE WILL BE NO FURTHER MISUNDERSTANDING. THEN IF THE QUESTION SHOULD ARISE, I CAN REFER TO THIS AGREEMENT AS FULFILLING MY OBLIGATION TO PROTECT THE INTERESTS OF THE COUNCIL IN THIS MATTER.

I HOPE THIS LETTER WILL BE TAKEN IN THE CONTEXT IN

WHICH IT IS WRITTEN,AS AN ATTEMPT TO FIND A SOLUTION TO  
WHAT HAS BECOME A MOST DIFFICULT PROBLEM.YOURS SINCERELY,  
CHEVALIER ANNEZ DE TABOADA.  
END TEXT.  
RENNER

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## Message Attributes

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**Decaption Date:** 22 May 2009  
**Decaption Note:** 25 YEAR REVIEW  
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